

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director, Ohio  
Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge Michael Watson

Magistrate Judge Chelsey Vascura

**MOTION FOR DESIGNATION AND REMOVAL FROM ECF OF  
HIGHLY SENSITIVE DOCUMENTS**

Pursuant to General Order 2021-01, which was issued in response to recent disclosures of wide-spread breaches of government computer systems that compromise the confidentiality of highly sensitive documents filed in in CM/ECF systems, Plaintiffs respectfully move that the Court designate five particular sealed filings in the above-captioned matter as Highly Sensitive Documents (HSD) and remove them from the Court’s electronic filing system.

As this Court and other Courts have recognized, “the excruciatingly private and intimate nature of transsexualism, for persons who wish to preserve privacy in the matter, is really beyond debate.” Order, ECF No. 47 at 23, citing *Powell v. Schriver*, 175 F.3d 108, 111 (2d Cir. 1999); *see also K.L. v. State*, No. 3AN-11-05431 CI, 2012 WL 2685183, at \*6 (Alaska Super. Ct. Mar. 12, 2012); *Love v. Johnson*, 146 F. Supp. 3d 848, 856 (E.D. Mich. 2015). “[T]ranssexualism is the unusual condition that is likely to provoke both an intense desire to preserve one’s medical confidentiality, as well as hostility and intolerance from others.” *Powell*, 175 F.3d at 111. Revealing explicit personal information about their bodies and their medical treatment related to their transgender status would invade the Plaintiffs’ privacy and put them at risk of harm.

Especially given that the relief sought is narrow here and furthers the same interests as orders already made in this case, this is the rare instance where Plaintiffs' "interests of privacy outweigh the public's right to know." *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474 (6th Cir. 1983).

Three orders were entered in this case to safeguard the identity of Plaintiff Jane Doe and the medical privacy of all Plaintiffs: ECF No. 9, Order Granting Motion to Proceed Anonymously, ECF No. 34, Stipulated Protective Order, and ECF No. 59, Order Granting Motion to File Under Seal. ECF No. 59 ordered that four unredacted deposition transcripts (ECF Nos. 60, 61, 62, and 63) and a brief which referenced sensitive portions of those transcripts (ECF No. 70) were to be filed under seal.

This Motion relates to these five documents, which were filed under seal, and contain highly sensitive information:

ECF No. 60	Sealed Deposition Transcript of Basil Argento
ECF No. 61	Sealed Deposition Transcript of Ashley Breda
ECF No. 62	Sealed Deposition Transcript of Jane Doe
ECF No. 63	Sealed Deposition Transcript of Stacie Ray
ECF No. 70	Defendants' Sealed Motion for Summary Judgment

Redacted copies of each of these documents are available on the public docket.

To continue to protect the confidential identifying information and sensitive medical or bodily information of Plaintiffs, these five filings should now be designated as HSDs and removed from the Court's electronic filing system.

A proposed order is attached hereto.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of January, 2021, I filed the foregoing electronically through the Court's CM/ECF system. Parties may access this filing through the Court's system.

/s/ Elizabeth Bonham  
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